



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 23, 2016

Date of Meeting: July 7, 2015

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:30 p.m., on Tuesday, July 7, 2015, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Council Member Cunningham was unable to be present for the evening's meeting, but would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Cunningham could vote on all matters in the same way as those members physically present as long as she participated in the discussions. On the evening's agenda, all votes would be done by roll call rather than voice vote.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2, Electronic Attendance
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

Karin Uhlich	Council Member Ward 3
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Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Adam Kemper, Northwest Community Friends Church, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 254, dated July 7, 2015, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero and Scott, and Vice Mayor Fimbres. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 255, dated July 7, 2015, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Current event report was given by Michael J. Ortega, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 256, dated July 7, 2015, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Valero #1609, Ward 4
1909 S. Craycroft Rd.
Applicant: Russell Gene Scaramella
Series 10, City 42-15
Action must be taken by: June 11, 2015

Staff has indicated the applicant is in compliance with city requirements.

2. Illegal Pete's, Ward 6
876 E. University Blvd.
Applicant: Thomas Robert Aguilera
Series 12, City 46-15
Action must be taken by: July 13, 2015

Staff has indicated the applicant is in compliance with city requirements.

3. Pancho Villa Mexican Cuisine & Cantina, Ward 6
401 E. 5th St.
Applicant: Ruben Alejandro Vazquez Alvarez
Series 12, City 47-15
Action must be taken by: July 20, 2015

Staff has indicated the applicant is in compliance with city requirements.

4. Elviras Restaurant Tequila Cocina Vino, Ward 6
256 E. Congress St.
Applicant: Ricardo Garcia
Series 12, City 48-15
Action must be taken by: July 20, 2015

Staff has indicated the applicant is in compliance with city requirements.

5. Red's Smokehouse & Tap Room, Ward 6
943 E. University Blvd. #125
Applicant: Ramiro James Scavo
Series 12, City 50-15
Action must be taken by: July 27, 2015

Staff has indicated the applicant is in compliance with city requirements.

6. Sheraton Tucson Hotel & Suites, Ward 2
5151 E. Grant Rd.
Applicant: Margarita Aguirre Robidoux
Series 11, City 52-15
Action must be taken by: July 26, 2015

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer(s)

7. Freedom's General Store, Ward 3
201 W. Fort Lowell Rd.
Applicant: James Rogers
Series 9, City 16-15
Action must be taken by: May 8, 2015

Staff has indicated the applicant is in compliance with city requirements.

8. Borderlands Brewing Company, Ward 6
119 E. Toole Ave.
Applicant: Michael Mallozzi
Series 7, City 49-15
Action must be taken by: July 20, 2015

Staff has indicated the applicant is in compliance with city requirements.

9. Red's Smokehouse & Tap Room, Ward 6
943 E. University Blvd. #125
Applicant: Ramiro James Scavo
Series 7, City 51-15
Action must be taken by: July 27, 2015

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Tucson Children's Museum, Ward 6
200 S. 6th Ave.
Applicant: Michael J. Luria
City T58-15
Date of Event: October 3, 2015
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

2. Heirloom Farmers Markets, Inc., Ward 6
820 E. University Blvd.
Applicant: Ramiro James Scavo
City T61-15
Date of Event: July 25, 2015
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. Fluxx Productions Inc., Ward 6
414 E. 9th St.
Applicant: Darrell Addison Wilmore
City T64-15
Date of Event: July 17, 2015
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Safeway #255, Ward 1
1551 W. St. Mary's Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC11-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

2. Safeway Food & Drug #255, Ward 1
1551 W. St. Mary's Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC12-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

3. Safeway Food & Drug #1988, Ward 2
7177 E. Tanque Verde Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC13-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

4. Safeway #2080, Ward 2
5548 E. Grant Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC14-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

5. Safeway Food & Drug #1984, Ward 2
9125 E. Tanque Verde Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC15-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

6. Safeway Food & Drug #1983, Ward 3
2140 W. Grant Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC16-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

7. Safeway #2060, Ward 3
1781 E. Prince Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC17-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

8. Safeway Food & Drug #1986, Ward 4
9050 E. Valencia Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC18-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

9. Safeway Food & Drug #1874, Ward 4
6360 E. Golf Links Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC19-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

10. Safeway Food & Drug #1989, Ward 4
9460 E. Golf Links Rd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC20-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

11. Safeway #1684, Ward 5
1940 E. Broadway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 9, City AC21-15
Action must be taken by: July 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city town or county may protest the acquisition of control within sixty days based on the capability reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 5 to 1, (Council Member Romero dissenting and Council Member Uhlich absent/excused) to forward liquor license applications 5b1 through 5b9, 5c1 through 5c3, and 5d1 through 5d11 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Alex Jacome
Brian Nettles
Garry Brav
Tom Bergsbach

Robert Reus
Joseph Miller
Stephan Rankus
Angel Garcia

Da Eun Lee
Anthony Potter
Thomas Moore
Mary DeCamp

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH M

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager JUL07-15-253 CITY WIDE
2. Mayor and Council Meeting Minutes of June 3, 1014
3. Mayor and Council Special Meeting Minutes of June 3, 2014
4. Mayor and Council Study Session Legal Action Report and Summary Minutes of June 3, 2014

b. FINANCIAL PARTICIPATION AGREEMENTS: WITH PIMA ASSOCIATION OF GOVERNMENTS, TUCSON CLEAN AND BEAUTIFUL, AND TUCSON-PIMA ARTS COUNCIL; AND AN INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR VICTIM SERVICE FOR FISCAL YEAR 2016

1. Report from City Manager JUL07-15-262 CITY WIDE
2. Resolution No. 22424 relating to Outside Agency Activities; authorizing and approving the Financial Participation Agreements (FPAS) between the City of Tucson (City) and various outside agencies and an Intergovernmental Agreement (IGA) between the City and Pima County for Fiscal Year 2016 (FY16); and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR STREET NAMING AND ADDRESSING SERVICES

1. Report from City Manager JUL07-15-249 CITY WIDE
2. Resolution No. 22421 relating to addressing and street naming; approving execution of the First Amendment to an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County for street naming and addressing services; and declaring an emergency.

d. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG, GANG AND VIOLENT CRIME CONTROL FOR FISCAL YEAR 2016

1. Report from City Manager JUL07-15-250 CITY WIDE

2. Resolution No. 22422 relating to Grants; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission (ACJC) for Drug, Gang and Violent Crime Control for Fiscal Year 2016 (FY16); and declaring an emergency.
- e. WATER: AMENDING THE TUCSON WATER SERVICE AREA POLICY BY AMENDING RESOLUTION 21602 AND ORDINANCE 11106 (CONTINUED FROM THE MEETING OF JUNE 9, 2015)
1. Report from City Manager JUL07-15-260 CITY WIDE AND OUTSIDE CITY
 2. Resolution No. 22407 relating to Water; amending the Tucson Water Service Area Policy to: (1) specify certain timeframes applicable to the administrative review process; (2) replace the policy's current general references to an "Administrative Review Board" with specific references to the "Water Service Area Review Board" created by Ordinance No. 11106; and (3) add language allowing applicants to present their case to the Water Service Area Review Board through a designated representative; amending Subsection D of Section 1 of Resolution No. 21602; and declaring an emergency.
 2. Ordinance No. 11276 relating to Boards and Commissions; amending Ordinance No. 11106, creating ordinance for the Water Service Area Review Board, to specify timeframes applicable to the Administrative Review process, and to provide that the City Manager's Office shall "assign" support staff to the Board; and declaring an emergency.
- (This item was continued at the request of Staff.)
- f. INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF ARIZONA FOR COMPOST SERVICES
1. Report from City Manager JUL07-15-259 CITY WIDE
- (This item was continued at the request of Staff.)
- g. TUCSON CODE: AMENDING (CHAPTER 12) RELATING TO ELECTIONS (CONTINUED FROM THE MEETING OF JUNE 23, 2015)
1. Report from City Manager JUL07-15-251 CITY WIDE
- (This item was continued at the request of Staff.)

h. LABOR AGREEMENT: WITH THE TUCSON POLICE OFFICERS ASSOCIATION (CONTINUED FROM THE MEETING OF JUNE 23, 2015)

1. Report from City Manager JUL07-15-258 CITY WIDE
2. Resolution No. 22426 relating to Employee Relations; authorizing the City Manager to execute a Labor Agreement between the City of Tucson (City) and Tucson Police Officers Association (TPOA); and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

i. LABOR AGREEMENT: WITH THE TUCSON FIREFIGHTERS ASSOCIATION (CONTINUED FROM THE MEETING OF JUNE 23, 2015)

1. Report from City Manager JUL07-15-263 CITY WIDE
2. Resolution No. 22423 relating to Employee Relations; authorizing the City Manager to execute a Labor Agreement between the City of Tucson (City) and Tucson Fire Fighters Association (TFFA); and declaring an emergency.

j. LABOR AGREEMENT: WITH THE COMMUNICATION WORKERS OF AMERICA (CONTINUED FROM THE MEETING OF JUNE 23, 2015)

1. Report from City Manager JUL07-15-261 CITY WIDE
2. Resolution No. 22418 relating to Employee Relations; authorizing the City Manager to execute a Labor Agreement between the City of Tucson (City) and Communication Workers of America; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

k. LEASE AGREEMENT: WITH THE TUCSON AIRPORT AUTHORITY FOR THE OPERATION OF THE TUCSON INTERNATIONAL AIRPORT

1. Report from City Manager JUL07-15-264 WARD 5 AND OUTSIDE CITY
2. Resolution No. 22427 relating to Economic Development and Tucson International Airport; authorizing and approving an Agreement to Amend the Lease with Tucson Airport Authority and approving a Memorandum of Understanding for the Development and Marketing of the Tucson International Airport; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

1. REAL PROPERTY: GOVERNMENT PROPERTY LEASE EXCISE TAX INCENTIVE REQUEST FOR REDEVELOPMENT OF FORMER WILDCAT HOUSE, 1801 NORTH STONE AVENUE

1. Report from City Manager JUL07-15-265 WARD 3

m. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY TO PROVIDE ELECTION RELATED SERVICES FOR THE 2015 CITY OF TUCSON GENERAL ELECTION

1. Report from City Manager JUL07-15-273 CITY WIDE

2. Resolution No. 22428 relating to elections; approving, and authorizing execution of, two (2) Intergovernmental Agreements between the City of Tucson and Pima County relating to election services to be provided by the Pima County Elections Division and Pima County Recorder for the November 3, 2015 City of Tucson General and Special Elections; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), that Consent Agenda Items a – m, with the exception of Items e - g, which were continued at the request of staff, and Items h, j and k, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM H

h. LABOR AGREEMENT: WITH THE TUCSON POLICE OFFICERS ASSOCIATION (CONTINUED FROM THE MEETING OF JUNE 23, 2015)

1. Report from City Manager JUL07-15-258 CITY WIDE

2. Resolution No. 22426 relating to Employee Relations; authorizing the City Manager to execute a Labor Agreement between the City of Tucson (City) and Tucson Police Officers Association (TPOA); and declaring an emergency.

Council Member Kozachik stated he asked City staff, in June 2014, to begin researching the idea of moving benefits over to base pay in regards to TPOA's Labor Agreement to help the City of Tucson become more competitive in the market. He said he was disappointed with the current negotiations because very little had been done. He commented that equipment and uniform funds had been moved, but not some of the big ticket items, such as sick leave, sell back and assignment.

Council Member Kozachik stated a couple of new benefits were added, wellness and combined uniform and equipment allowance. He concluded by saying that he did not believe this was going to make the City more competitive in the marketplace due to not

doing enough for base pay, therefore, he would not support the item as it was a missed opportunity.

Council Member Cunningham said he shared Council Member Kozachik's concerns regarding the new labor agreement. He said, he did not think the City was going to be able to get everything done at once and there was long-term discussion coming with regard to pension that would take a couple of years. He stated the labor agreement needed to be in place so the City was stable during the leadership transition. He said he would be supporting the labor agreement and that Council Member Kozachik had brought some good discussion concerning the items that the City was not able to fit into the agreement. He concluded saying that the labor agreement was prudent for police readiness and stability as they moved into transition of command.

Council Member Kozachik said he hoped the on-going discussions would continue, but that evening, what they were voting on what was negotiated. He stated changes were not made to the assignment pay that everyone was hoping for.

Council Member Romero responded to Council Member Kozachik's concerns and said she thought negotiations was just that; working together with organizations to present something which benefited the City and its employees. She said she believed the City had made good strides forward. She said she felt the movement made in ensuring that sick leave was counted as sick leave and being able to use the hours worked for overtime pay was a great example of savings in funds, as well as, the removal of the personal leave day.

Council Member Romero said including the uniform and equipment allowance into the base pay moved the City forward into a better base pay comparative to the valley cities. She concluded she would vote to support the item and hoped negotiations would continue to move forward for the best deals for the City, the Tucson Police Department, the Tucson Fire Department and also the service of the community.

Council Member Scott stated she agreed with her colleagues supporting the labor agreement. She said council members did not negotiate contracts and only saw the best results from the parties involved. She thanked everyone involved in the contract and said she looked forward to more discussions about the remaining issues.

It was moved by Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 5 to 1 (Council Member Uhlich absent/excused and Council Member Kozachik dissenting), that Consent Agenda Item h be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM J

j. LABOR AGREEMENT: WITH THE COMMUNICATION WORKERS OF AMERICA (CONTINUED FROM THE MEETING OF JUNE 23, 2015)

1. Report from City Manager JUL07-15-261 CITY WIDE

2. Resolution No. 22418 relating to Employee Relations; authorizing the City Manager to execute a Labor Agreement between the City of Tucson (City) and Communication Workers of America; and declaring an emergency.

Council Member Kozachik asked for clarification in regards to contracting out work in Section 2. He said the last sentence if the first paragraph stated that, "The City may contract out work to supplement the regular workforce but may not supplant permanent union members." He stated that in the first sentence of Section A it said, "in the event the City chooses to contract for City services which may result in the layoff of any permanent union member covered by this agreement, the city agrees to"

Council Member Kozachik said that in one area it states the City could not supplant members and in the very next section it said the City may contract out and lay people off. He said lay-offs was supplanting.

Martha Durkin, Deputy City Manager, responded that Council Member Kozachik raised a good point and that it appeared to be to create an ambiguity. She said it was important to note that the agreements were always interpreted in accordance with the Tucson City Code, Tucson City Charter, and Civil Service Rules which specifically covered lay-offs and employees rights in the event of a layoff.

Ms. Durkin said there was a slight difference in contracting out work as opposed to contracting out for services like with the Tucson Convention Center (TCC). She stated if the City decided to contract out specific work that was currently being performed by permanent employees, then the agreement would have to be addressed in accordance with the Charter, Code and Civil Service Rules.

Ms. Durkin stated this was old language and the Communication Workers of America (CWA) representatives were very familiar with it and the City had not yet had a problem working with it. She said she thought Council Member Kozachik raised a good point and she was looking to clean the language up the next time they open negotiations.

Council Member Kozachik asked if when the City contracted work out they could not do it in a way that supplanted employees.

Ms. Durkin replied it would be done in a way that gave the employees all of the rights for layoffs which consisted of notice, pre-layoff reappointment, and a right to rehire for 2 years. She said if the City was to re-hire in those classifications, the employees laid off, in order of seniority, had a right to come back. She said those were the rules that were clear and the contract would always be interpreted in accordance with those rules.

Ms. Durkin stated what she was trying to explain was that the City has not had trouble with the sentence in the past and again, she said felt Council Member Kozachik raised a good point, but did not think the agreement needed to be amended now, rather at

the next time negotiations were open. She said a yearly review could be done to amend the agreement, particularly on the compensation terms.

Council Member Kozachik asked if there was a representative from CWA present.

Linda Hatfield, Communication Workers of America, stated they had never had problems with the wording in the contract. She said there was some cleanup to do on the language for later use.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent), that Consent Agenda Item j be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM K

k. LEASE AGREEMENT: WITH THE TUCSON AIRPORT AUTHORITY FOR THE OPERATION OF THE TUCSON INTERNATIONAL AIRPORT

1. Report from City Manager JUL07-15-264 WARD 5 AND OUTSIDE CITY
2. Resolution No. 22427 relating to Economic Development and Tucson International Airport; authorizing and approving an Agreement to Amend the Lease with Tucson Airport Authority and approving a Memorandum of Understanding for the Development and Marketing of the Tucson International Airport; and declaring an emergency.

Mayor Rothschild stated City staff had worked on the lease agreement with the Tucson Airport Authority (TAA) since he came into office. He said it was important to the economic development for several reasons; the first being annexation. He said with the requirement to new and renewing tenants to the airport agree to annexation, The City gained sales tax, use tax, and construction sales tax, as well as, the ability to offer City incentives to spur investments.

Mayor Rothschild said second was getting Raytheon the safety buffer needed at no cost to the City; benefited Raytheon and allowed the City to recover the remainder of funds collected from Raytheon in tax revenue after the purchase of the buffer. He said these were funds the City had but was unable to use due to the City's pre-annexation agreement with Raytheon which required the tax revenue benefit to accrue to Raytheon.

Mayor Rothschild, added, third was economic development; with a formal agreement that the City and Airport would work together to market and promote development of the airport. Finally, the fourth item was infrastructure. He said the Airport agreed to invest in infrastructure for revenue producing projects that attracted manufacturers and distributors to create jobs for the community. He said many of these large employers wanted long-term leases, so extending the Airport's lease gave them that

option. He said equally important was that by extending the lease, the Airport had better financing options such as the ability to issue bonds to make infrastructure improvements. He announced that Bonnie Allen, TAA Executive Director and Steve Cole, TAA President, were present at the meeting.

Vice Mayor Fimbres thanked Ms. Allen and Mr. Cole for their work along with the Mayor, City Attorney and City Staff for making this happen and said it was a positive contribution for the City.

It was moved by Vice Mayor Fimbres, duly seconded, that Consent Agenda Item k be passed and adopted and the proper action taken.

Council Member Romero thanked staff for their work and in ensuring the City of Tucson was included in the decisions being made at the Airport. She said the Airport was an important economic development partner in the region and wanted to continue working together to bring more opportunities to the City. She stated she was concerned regarding the extension of the contract to a 99 year term as opposed to an 82 year term. She asked the City Attorney about the City having a seat on the TAA Board.

Michael Rankin, City Attorney, said the lease extension before the Mayor and Council extended the existing lease term expiring in 2048 for an additional fifty years, to 2098, which was a little less than ninety-nine years, about eighty-three years. He said that was a negotiated term between the parties and reflected the original term of the lease as it was originally approved in 1948. He stated the extensions from that point forward were all under twenty-five year options and had kept that structure going forward.

Mr. Rankin stated, in the event there was a need to extend the agreement beyond that to accommodate a tenant who presented a unique development opportunity for the Airport, the City was certainly open to talking and/or accommodating that need through additional amendments of lease.

Mr. Rankin commented that the agreement did not provide for any changes in the make-up of the TAA board but did include, through the Memorandum of Understanding, the accommodation of TAA to change their meeting schedules such that they would not conflict with the Mayor and Council meetings in order for council members or their representatives to attend and participate in TAA board meetings.

Council Member Romero thanked Mr. Rankin for the clarification. She asked about the reference of opening the agreement again if there was a need for any economic development opportunity to seek more than the current eight-two years.

Mayor Rothschild clarified the agreement remained open, as well as, the negotiations with regards to the City's participation and accommodation of changing TAA's meeting schedule in order for the City to send a representative to the meetings.

Council Member Romero said she thought it was important to have the City and County be part of the conversations as decisions were being made on the TAA board because of the economic incentives and tools the City had that could work alongside the

Board. She stated the Council offices, the Mayor's Office, and the City Manager's Office needed to be pay attention to the meetings so as not to stifle any of the discussions, but help to continue with the economic development opportunities. She stated she was glad with the renewed the partnership with TAA and was supporting the item.

Consent Agenda Item k was passed and adopted and the proper action taken by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused).

8. PUBLIC HEARING: ZONING (C9-07-20) JVBM PROPERTIES – VALENCIA ROAD, C-2 ZONING, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 252, dated July 7, 2015, was received into and part of the record. He also announced this was the time and place legally advertised for a Change of Conditions and Preliminary Development Plan for a rezoning site west of Valencia Road and south of Valley Indian Agency Connect Road. He asked if the applicant or a representative was present and asked if they were agreeable to the proposed requirements.

Ali Fakh, SEG Engineering Group, said he was present on behalf of the property owners and they were agreeable to the proposed requirements.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to speak on the item.

Joe Miller, Midvale Parks Neighborhood Association President, said he thought it was a good project, the developers were comprehensive in everything they had done. He said supported and welcomed them as a new partner.

Joseph Cesar, stated his support for the item and thanked Council Member Romero and her staff for their help.

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11286 by number and title only.

Ordinance No. 11286 relating to Zoning: amending zoning conditions located at the southwest corner of west Valencia Road and Valley Indian Agency Connect Road in case C9-07-20, JVBM Properties - Valencia Road, C-2 zoning; amending Ordinance No. 10602; and setting an effective date.

It was moved by Council Member Romero, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the request as presented and pass and adopt Ordinance 11286.

9. ZONING: (SE-15-06) THE SHOPS AT MIDVALE – VALENCIA ROAD, C-2 ZONING, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 257, dated July 7, 2015, was received into and part of the record. He also announced this was a special exception land use site request for property located at the southwest corner of Valencia Road and south of Valley Indian Agency Connect Road. He said the Zoning Examiner and staff recommend approval of the special exception land use with conditions.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Ali Fakih, SEG Engineering Group, said they were agreeable to the conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11289 by number and title only.

Ordinance No. 11289 relating to Zoning; a special exception land use - large retail establishment - SE-15-06 the Shops at Midvale - Valencia Road, located at the southwest corner of Valencia Road and Valley Indian Agency Connect Road; approving with conditions the construction of a 102,564 square foot Fry's Food and Drug store (a large retail establishment) and associated fuel center in the C-2 zone; and setting an effective date.

Council Member Romero stated she was glad Joe Miller was present at the meeting because he was a great volunteer and gave his time for the love of his community, and looked at things very fairly and how they were going to impact the surrounding areas. She stated that she asked the developers to work with the Midvale Neighborhood Association for input and feedback which was exactly that they did.

It was moved by Council Member Romero, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11289.

10. ZONING: (SE-15-13) SUN STATE – TANQUE VERDE ROAD, C-1 ZONING, WIRELESS COMMUNICATION FACILITY, SPECIAL EXECPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 266, dated July 7, 2015, was received into and part of the record. He also announced this was a special exception land use site request located south of Tanque Verde Road at Indian Ruins Road. He said the Zoning Examiner and staff recommend approval subject to certain conditions. He asked if the applicant or representative was present and agreeable to the proposed requirements.

Adam Brixius, Pinnacle Consulting on behalf of Verizon Wireless, said there was some confusion over the requirements and asked for an adjustment on the proposed conditions.

Michael Rankin, City Attorney, said they needed to know if the adjustments were agreeable to the conditions as presented.

Mayor Rothschild asked Mr. Brixius what conditions they were not agreeable to.

Mr. Brixius responded the manufacturer would prefer the stand off of the monopole to be 39 inches rather than the presented conditions of 30 inches in order to fit more equipment and be able to further camouflage the antennas.

Council Member Cunningham said the extension would enhance the ability to camouflage and also enhance the ability for better reception.

Mayor Rothschild asked staff if the amendment was a significant change to the proposal.

Ernie Duarte, Planning and Development Services Department Director, said the amendment required that Condition #13 be revised to read “antenna standoff from the pole should not exceed 39 inches” instead of the 30 inches as currently presented and stated it was within Code.

Mayor Rothschild asked the City Clerk to read Ordinance 11287 by number and title only.

Ordinance No. 11287 relating to Zoning; a special exception land use - wireless communications facility - SE-15-13 Sun State - Tanque Verde Road - located approximately 180 feet south and 208 feet west of the intersection of Tanque Verde Road and Indian Ruins Road; approving with conditions the construction of a wireless communication tower with twelve antenna panels concealed within an artificial pine tree, 75 feet in height, within an approximately 1,350 square foot lease area in the southwest corner of the site in the C-1 zone; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the request and pass and adopt Ordinance 11287 with the amendment to Condition #13 changing 30 inches to 39 inches.

11. ZONING: (SE-15-14) VERIZON – GRANT ROAD, C-1 ZONING, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 267, dated July 7, 2015, was received into and part of the record. He also announced this was a special exception land use site request located at the northwest corner of Grant Road and Columbus Avenue. He said the Zoning Examiner and staff recommend approval subject to certain conditions. He asked if the applicant or representative was present and agreeable to the proposed requirements.

Adam Brixius, Pinnacle Consulting on behalf of Verizon Wireless, said they were agreeable to the proposed conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11288 by number and title only.

Ordinance No. 11288 relating to zoning; a special exception land use - wireless communication facility - SE-15-14 Verizon - Grant Road - located at the northwest corner of Grant Road and Columbus Avenue; approving with conditions the construction of a wireless communication tower with twelve antenna panels concealed within an artificial palm tree, 60 feet in height, within an approximately 520 square foot lease area in the northwestern portion of the 0.23 acre site in the C-1 zone; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11288.

12. ZONING: (C9-14-09) SCHOOL YARD – WRIGHTSTOWN ROAD, RX-1 TO R-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 268, dated July 7, 2015, was received into and part of the record. He asked the City Clerk to read Ordinance 11290 by number and title only.

Ordinance No. 11290 relating to Zoning: amending Zoning District Boundaries located on the southwest corner of Wrightstown Road and Avenida Ricardo Small in case C9-14-09 School Yard - Wrightstown Road, RX-1 to R-1 and setting an effective date.

Roger W. Randolph, City Clerk, announced the item required a three-fourths majority vote.

Council Member Cunningham said it had been a long process and there had been a lot of discussion with the developer, neighborhoods and Ward offices. He said it was a great opportunity for Tucson and promoted the use of former schools.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11290.

13. MEMORIAL: SUPPORTING ARIZONA JOINT TECHNICAL EDUCATION DISTRICT (JTED) PROGRAMS BY URGING THE ARIZONA GOVERNOR AND THE STATE LEGISLATURE TO RESTORE JTED PROGRAMS TO FULL FUNDING LEVELS

Mayor Rothschild announced City Manager's communication number 269, dated July 7, 2015, was received into and made part of the record. He asked the City Clerk to read the Memorial by title only.

A Memorial relating to Career and Technical Education Programs; supporting Arizona Joint Technical Education Districts and urging the Arizona Governor and State Legislature not to cut JTED Programs in Fiscal Year 2016 or thereafter.

Mayor Rothschild said he believed the Mayor and Council supported the Memorial because the budget cuts imposed on the JTED by the legislature harmed youth, schools, businesses and the economy. He said JTED provided career and technical education to high school students and adults under the age of 22, helping them enter the workforce with marketable skills.

Mayor Rothschild stated this was the workforce most needed to be developed in the community. He stated students enrolled in JTED were more likely to graduate from high school and Pima County JTED promoted a 98% graduation rate. He also said the State of Arizona had cut JTED funding by 7.5% but in practice became a 50% cut because the funding was reduced to JTED directly and to the school districts who also received JTED funding.

Mayor Rothschild commented that these cuts were on top of cuts already made in 2011 and unless things changed, in 2017 JTED would operate with 54% less State funding. He said JTED classes were not cheap. Students needed more than textbooks; supplies and equipment needed to become an auto mechanic, a machinist or a computer repair technician. He said educators called the funding cuts a threat to JTED's existence and was not a way to grow the economy or treat young people.

Mayor Rothschild stated that fortunately, the legislature had time to undo the budget cuts before it was too late and urged the Council to forward the Memorial to the state legislature.

It was moved by Council Member Scott, duly seconded, to pass and adopt the Memorial.

Council Member Kozachik said the budget cuts would end a critical education program and was fully in support of the memorial.

Council Member Cunningham said he believed the cuts happened because of the success rate of the program in Tucson and to the state people, Tucson did not matter. He said the success of JTED in Tucson was unequivocal to the rest of the State. He said JTED programs in Tucson were a model for other JTED programs in the State. He commented that the reason people were swift to make the decision was because it affected Tucson more than Phoenix. He said this was a slap in the face for Tucson that needed defending.

Council Member Romero said the Arizona Daily Star had an article that listed the State of Arizona as one of the top five most economically distressed states in the nation. She said there had been a research study that linked economic distress to lack of educational attainment. She said she believed that was why the State of Arizona was listed as one of the top five of the most economically distressed states in the nation.

Council Member Romero stated one of the reasons for the lack of education was the lack of funding for education, K through 16 and technical development. She said JTED was a good investment for the economy, children, lives of families, and the State. She thanked Mayor Rothschild for bringing the memorial to the forefront and supported the memorial and funding for education.

The motion to pass and adopt the Memorial was passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused).

14. FINANCIAL PARTICIPATION AGREEMENT: WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY TO PROVIDE SERVICES FOR THE SECTION 108 LOAN GUARANTEE PROGRAM

Mayor Rothschild announced City Manager's communication number 270, dated July 7, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22425 by number and title only.

Resolution No. 22425 relating to Housing and Community Development; authorizing and approving the Financial Participation Agreement between the City of Tucson and the Industrial Development Authority of the City of Tucson for the purpose of extending the agreement to provide services for the Section 108 loan guarantee program; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Resolution 22425.

15. AGREEMENT: APPROVING AN ESTOPPEL CERTIFICATE AND AGREEMENT WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT AND NOR-GENERATIONS, LLC. RELATING TO THE ARENA SITE (CONTINUED FROM THE MEETING OF JUNE 23, 2015)

(This item was continued at the request of Staff.)

16. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 272, dated July 7, 2015, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the appointment of Dr. Beth Grindell to the Tucson-Pima County Historical Commission (TPCHC) and the reappointment of Roger Howlett to the Landscape Advisory Committee (LAC).

Mayor Rothschild asked if there were any personal appointments to be made.

Vice Mayor Fimbres announced his personal appointments of Richard Fifer and Fernando Morales to the City Police Chief Appointment Advisory Committee.

17. AGREEMENT: APPROVAL OF A LEASE AMENDMENT WITH DEPOT PARTNERS, LLC AND A MUTUAL SETTLEMENT AND RELEASE AGREEMENT WITH CONGRESS TAP ROOM, INC.

Mayor Rothschild announced City Manager's communication number 274, dated July 7, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22429 by number and title only.

Resolution No. 22429 relating to Real Estate and Settlement of Claims; authorizing and approving a fourth amendment to the lease with Depot Partners, LLC for property located at 400 North Toole Avenue; and approving a Mutual Settlement and Release Agreement with Congress Tap Room, Inc.; and declaring an emergency.

Council Member Kozachik thanked the parties involved for keeping the item out of litigation and moving towards an agreement that was mutually acceptable. He stated he had two questions, one legal and the other procedural. He asked the City Attorney if there were any parts of the agreement that had violated the state constitutional gift clause.

Michael Rankin, City Attorney, responded that the consideration the City received through the mutual release and dismissal of any litigation and claims was sufficient enough to satisfy the constitutional obligations under the gift clause.

Council Member Kozachik asked how the City was going to guarantee the access of parking spots when needed.

Mr. Rankin said he spoke to Donovan Durband, Park Tucson, and was informed that the technology had been updated in the parking facilities. He said it had given them a better capacity in controlling the access and knowing the live time parking availability and number of spaces being used. He said the parking facilities were programmable to accommodate agreements with the ability to reserve spaces although they are not required to mark spaces. He said the City would be contacting with representatives from Hotel

Congress in order for both parties to be satisfied on how spaces were arranged and made available to customers pursuant to the agreement.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), to pass and adopt Resolution 22429.

18. ADJOURNMENT: 7:09 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, August 5, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 7th day of July 2015, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:am:bf: